

### REMARKS/ARGUMENTS

Claims 1-15 are pending in this application. Claims 1-12 stand rejected. By this Amendment, claim 1-4 have been amended and new claims 13-15 have been added. No new matter is added. The amendments made to claims 1-4 have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in condition for immediate allowance.

Claims 1, 2, 3, 6, 7, 10, and 12 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,139,000 ("Sawert"). Applicants request reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 1 not present in Sawert is "a suction jet pump... and a suction line in fluid connection arranged on the suction jet pump wherein an outlet orifice of the mixing tube is arranged in a pot, the pot being coupled to a sidewall of a baffle."

As disclosed in the present specification, prior art suction jet pumps suffer from the disadvantage of having a low conveyance factor. (Specification as filed at p. 2, ll. 9-28). The present specification and claims are directed to a suction jet pump that has an improved conveyance factor configured to draw fluid through a suction line 12. The improved conveyance factor is achieved at least in part by a portion of the mixing tube of the suction jet pump being arranged in a pot. The part of the mixing tube arranged in the pot is the outlet orifice as explicitly recited in claim 1. Further, claim 2 explicitly recites that only the outlet orifice of the mixing tube is located in the pot. (Specification as filed at p. 3, ln. 35 *et seq.*). Because the suction jet pump has its outlet orifice in the pot connected to the baffle, the suction jet pump does not have to feed against the fuel level in the baffle.

In contrast, Sawert discloses a jet pump configured to draw fluid from an area in which the pump is installed. Sawert does not disclose a suction jet pump but a jet pump arranged at the bottom of the reservoir. Because Sawert's jet pump is arranged at the point the fuel enters the reservoir, the jet pump is not sucking. Due to the configuration of the jet pump as in Sawert, Sawert's jet pump always has to feed against the fuel level of reservoir. It is for this reason that Sawert requires multiple lines 66, 64 for operating the jet pump. It is this exact configuration that is part of the conventional suction jet pumps disclosed in the prior art section of the present application. (Specification as filed at p. 1 line 31 *et seq.*).

Sawert's jet pump has an inlet pipe 58 drawing liquid directly through filter 60. Thus, Sawert does not disclose a suction jet pump and suction line in fluid connection explicitly recited in claim 1. Further, claim 1 explicitly recites that the mixing tube is arranged in a pot the pot being coupled to a baffle. In Sawert, the output of the mixing tube is located in drain 64, which is not a pot coupled to baffle. Thus, for this additional reason Sawert does not anticipate claim 1 and its dependent claims.

Further, new claims 13-15 recite additional limitations not present in Sawert. Specifically, the new claims recite a U-shaped baffle and a pot coupled to the baffle at a point between a top of the baffle and a bottom of the baffle. Thus, new claims 13-15 are also allowable.

Claims 1, 2, 4, 6, 7, 10, and 12 stand rejected under 35 USC §103(a) as being unpatentable over Japanese Reference JP 05-99090 ("JP '090"). Initially we note that the Examiner failed to list U.S. Patent No. 6,619,927 ("Becker") in this rejection. However, Applicants will address the combination of JP '090 and Becker.

Among the limitations of independent claim 1 not present in the cited combination is the pot coupled to a baffle. As disclosed in the present specification and shown for example in Figs. 1, 6,

and 7, the pot 8 is attached to baffle 5. We note that based on the abstract of JP 090 a jet pump is provided with a sub tank 9, which is in sub tank 15. In fact, as shown in Fig. 1, the sub tank 9 is not coupled to sub tank 15.

Becker fails to cure this deficiency in JP '090 as Becker does not show a pot coupled to a baffle. Therefore, claim 1 is not obvious in view of the cited references.

Further, Applicant notes that JP '090 discloses a jet pump arrangement completely within a sub tank 9. Due to this configuration, the jet pump always has to feed against the entire fluid level of the sub tank 9. This sub tank 9 serves for the precipitation of gas bubbles. Therefore, JP '090 fails to disclose the explicitly recited limitations of claim 1.

Like the other references, Becker discloses a perpendicular jet pump, which has to feed against the entire level in a storage chamber. Thus, Becker suffers from the same deficiency that the other references do.

The combination of JP '090 and Becker does not render new claims 13-15 unpatentable. Specifically, the new claims recite a U-shaped baffle and a pot coupled to the baffle at a point between a top of the baffle and a bottom of the baffle. These new claims further clarify that the pump is does not have to feed against the entire level in a storage chamber. Thus, new claims 13-15 are also allowable.

The remaining references cited by the Examiner were not added to cure the deficiencies of the primary references discussed above but to show additional limitations, which, even if they were to show, do not cure the deficiencies above. As such, we note that the claims are allowable over the cited references.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore

respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: August 6, 2009